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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/335,129 06/17/99 HAMILTON

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EXAMINER

TM02/0405

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ART UNIT

PAPER NUMBER

2643

DATE MAILED:

04/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/335,129

Applicant(s)
Chris Hamilton

Examiner
Melur Ramakrishnaiah

Group Art Unit
2643



☒ Responsive to communication(s) filed on Jan 16, 2001

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1, 3, 7-9, are rejected under 35 U.S.C 102(e) as being anticipated by Freeman et al. (US PAT: 5,841,469, hereinafter Freeman)

Regarding claims 1, 7, Freeman discloses audiovisual telecommunication method and apparatus using a digital network comprising: a monitor (60) (fig. 2), means connected to the monitor for displaying one or more video images from one or more remotely located conferees (col. 6 lines 11-15), a housing within which the monitor is contained, at least one lighting means contained within the housing, the lighting means being activatable when a video conference is occurring and being arranged to illuminate a user of the video conference station (col. 5 lines 1-9, col. 7 lines 24-29), keypad means for facilitating entry of information by a user for arranging, exiting, and changing parameters of a video conference (col. 4 lines 8-33), audio means for conveying an audio signal from one or more conferees, a camera means mounted within the housing and directed towards a user of the video conference station (col. 4 lines 24-27), and payment means for activating the monitor, the audio means, the lighting means, the camera and

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keypad means upon entry of payment (col. 6 lines 19-26), an outer casing (col. 5 lines 3-7), display means (60, fig. 2), lighting means (col. 5 lines 7-9), and a video camera (col. 4 lines 24-27), all being mounted within the outer casing, the video camera and the lighting means being directed towards the same area, the display means being viewable from the same area (col. 5 lines 16-32), activating means for activating display means, the lighting means, and video camera upon request by a user (fig. 2 col. 2 lines 20-26, col. 6 lines 16-32, col. 7 lines 24-29).

Regarding claims 3, 8-9, Freeman further teaches the following: payment means is credit card reading device (30) (fig. 2, col. 2 lines 51-53), monitor comprises means (110) for displaying plural images, one from each of the plurality of other conferees (col. 6 lines 12-15), keypad means for entering data, keypad means comprises means for generating DTMF tones (col. 4 lines 8-11),

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Sokal et al. (WO 97/14118, hereinafter Sokal).

Regarding claims 2 and 10, Freeman teaches activating means operates in response to payment received by the payment means (30, fig. 2) (col. 2 lines 54-67), but he does not teach payment means for accepting a credit card.

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However, Sokal teaches payment means for accepting credit card (fig. 2 page 7 lines 7-13).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Freeman to provide for means for payments by the credit card as this would provide choices for the user for payment to suite his convenience as taught by Sokal.

5. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Sokal as applied to claim 2 above, and further in view of Fujizu (JP402119390A)..

Regarding claim 4, the combination teaches use of lighting where conferencing terminal (10) is located (col. 5 lines 3-9 of '469 patent), but does not explicitly show that lighting means are disposed below the monitor.

However, Fujizu discloses video telephone set with lighting means (2) disposed below the monitor (fig. 2, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide lighting means disposed below the monitor to obtain the best lighting condition to take picture of video conferee as taught by Fujizu.

6. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Fujizu and Sokal as applied to claim 4 above, and further in view of Ishikawa (US PAT: 6,038,602, filed 4-30-1997).

Regarding claims 5-6, the combination does not teach the following: monitor is connected to a network server by means of: telephone line, data connection.

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However, Ishikawa discloses connection method for a network system and server computer that shows monitor connected to a network server by means of: telephone line, data connection (fig. 1, col. 6 lines 43-60, col. 8 lines 17-37).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for monitor that is connected to a network server by means of: telephone line, data connection as this would enable to use Internet for conferencing at an economical rate.

Response to Arguments

Regarding rejection of independent claims 1 and 7 as being anticipated by Freeman et al. , Applicant argues that "In the present invention , the lighting means is arranged to be directed to the user exclusively". It should be pointed out that this limitation is not in the claims. Applicant further argues that "Freeman et al does not disclose the above arrangement lighting means, but only simply mentions "a fibreglass shell having a lighting... the lighting refers to that of illuminating the whole telephone booth, not only user". Applicant's argument in this respect is not persuasive in as much as Freeman teaches each terminal is enclosed within a booth with a light source and a light level controller for regulating the light source, and user activated selection device is adapted to activate the light level controller at the option of a user of the terminal (col. 7 lines 24-29) which clearly reads on applicants claim limitations of 1 and 7. Besides Applicant argument that "lighting refers to that of illuminating the whole of telephone booth, not only

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user”is not precluded by the claim limitation of the claims 1 and 7. Therefore Freeman still reads on applicants claim limitations, and rejection of claims 1 and 7 still hold good as described above.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on Monday to Friday from 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The fax phone number for this Group is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

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(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 305-9508 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington. VA., Sixth Floor (Receptionist).


Melur. Ramakrishnaiah

EXAMINER

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